

On Saturday, July 25th, Mr. H. S. Wilder called Mr. George Edwards, Construction Engineer for the Highway Department, and requested plans and specifications. And Mr. Edwards promised that he would try to get them out Saturday evening, to Mr. Wilder. And again on Saturday, the Nueces Construction Company wrote and requested plans and specifications for the purpose of inspecting the site and bidding on the job.

In answer to said letter and phone call, the Nueces Construction Company received a letter from Mr. Hodges, that they would have to send a representative to Austin to confer with the officials of the Highway Department before they could receive plans and specifications, which letter was received on Monday, and on receipt of which letter, Mr. Wilder again talked to Mr. Martin, on the phone, and Commissioner Martin assured Mr. Wilder that Mr. Dunn would be supplied with plans and specifications on Tuesday, upon his arrival in Austin.

Second:—On receipt of the letter from the State Highway Department and in accordance with the suggestion of Mr. Martin, Mr. Dunn immediately went to Austin, and on Tuesday was refused the plans and specifications by Mr. Hodges, who was acting under the instructions of State Engineer Gilchrist. Mr. Gilchrist's pretense for refusing to deliver the plans and specifications and bidding blanks on this work was that the Nueces Construction Company did not show a statement sufficient to justify a bid on the work. Whereupon, Mr. Dunn advised him that the Company had sufficient resources to justify their bid on the work and that the personnel of the Company had sufficient qualifications and experience for handling the work. In addition to this, he supplied the State Highway Engineer Mr. Gilchrist with a telegram from the Corpus Christi National Bank, assuring him that the Company had a credit of \$40,000 with that bank, and further, he supplied him with information from Coleman and Company, of San Antonio, that a good and solvent bond in double the amount of the value of the bid would be supplied, and gave him assurance from R. B. Everett and Company that the Nueces Construction Company had sufficient credit and responsibility to secure all

the tools, equipment and appliances necessary to perform the work.

Third:—After the information and assurances referred to in the preceding paragraph had been supplied, State Engineer Gilchrist, on Wednesday afternoon about five p. m., before the contract was to be let on Thursday, July 30th, reluctantly told Mr. Dunn that he would let him have the plans, specifications and bidding blanks, but that if he took them, he would assure him that he, Gilchrist, would prevent the Highway Commission from considering his bid, if within his power to do so.

We submit these facts because in our judgment, the facts clearly indicate that we have suffered a discrimination at the hands of the subordinate employees of the Highway Commission.

It is further apparent, in our opinion, that the only reason we were refused an opportunity to bid on the work that we desired to submit a bid on, was due to the fact that Mr. Gilchrist, Mr. Hodges and Mr. Wickline, of the Department, did not want the Nueces Construction Company, regardless of its qualifications, resources and capacity to do the work, to have an opportunity to bid on it. Evidently, a condition of affairs exists in the State Highway Department, in which the Department, in its policies of letting contracts, is being controlled by the subordinates, who refuse opportunity to contractors to bid on the work.

We strenuously object to the treatment that we have received, and submit this letter to you to the end that if, in your judgment, the facts justify it, that you will compel an investigation.

Yours very truly,  
NUECES CONSTRUCTION CO.,  
By H. S. Wilder, President.

#### FIFTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
August 5, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Purl:

S. B. No. 27, A bill to be entitled "An Act to conserve water supplies and prevent the pollution of sources of domestic water supplies for cities, towns, and villages; prescribing a penalty; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Rawlings:

S. B. No. 28, A bill to be entitled "An Act making an appropriation of Sixteen Thousand Dollars (\$16,000.00) to the Railroad Commission of Texas, to be used by the Motor Transportation Division for the purpose of defraying the traveling expenses of seven (7) additional inspectors authorized by the Forty-second Legislature, whose traveling expenses were not provided for by the regular appropriation bill; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Poage:

S. B. No. 29, A bill to be entitled "An Act amending Articles 2559 and 2560 Revised Civil Statutes of the

State of Texas for 1925, providing the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages and providing for the way and manner in which said funds shall be secured and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Small:

S. B. No. 30, A bill to be entitled "An Act to authorize the assignment and transfer of any tax liens levied by any county, municipality, school district or any other political subdivision of the State; providing for the issuance of tax certificates evidencing the transferred tax obligation; providing means for the collection of such tax certificates; the rate of interest for such obligations; the time of payment; the time for filing; filing fees; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 31, A bill to be entitled "An Act governing the statement of facts, including: amendment of Articles 2237, 2238 and 2239 of the Revised Civil Statutes, 1925; provisions under which the court stenographer's transcript of the evidence may be ordered and shall be filed, in duplicate, objection may be made thereto and the same when approved and signed as herein required may be used as the statement of facts; and provisions for fees and taxation of costs, therefor, sending up original documentary evidence or copying same into the statement of facts, filing statement of facts in narrative form, incorporating record by reference, eliminating bills of exception in certain instances, excepting procedure as to statement of facts in appeals in criminal cases, declaring and pointing out the procedure therefor in such criminal appeals, amending Articles 760 and 607 of the Code of Criminal Procedure, 1925, repealing House Bill No. 120 and Senate Bill No. 59 of the Regular Session of the Forty-second Legislature and all laws in conflict, saving such as are cumulative; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 32, A bill to be entitled "An Act regulating the lighting equipment and operation of motor vehicles, tractors, trailers, semi-trailers, motorcycles and bicycles in this State, prescribing the lights for such vehicles between the hours of half-hour after sunset and half-hour before sunrise; providing for the testing and approval of lighting equipment for such vehicles; providing the manner in which lighting equipment for such vehicles shall be approved; designating an official light equipment testing agency for the State of Texas; providing for the establishment of light test stations for the inspection and adjustment of lighting equipment for such vehicles; providing penalties for the violation of the provisions of this Act; repealing Chapter 26 of the General Laws of Texas passed at the Regular Session of the Thirty-ninth Legislature, and any and all other laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Purl:

S. B. No. 33, A bill to be entitled "An Act to amend Article 3109 of the Revised Civil Statutes of 1925, by adding a new section thereto to be known as Section 2A; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senator Woodruff:

S. B. No. 34, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part-time schools, continuation schools, and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Woodul:

S. B. No. 35, A bill to be entitled "An Act to amend House Bill No. 312 known as the Bond and Warrant Law of 1931 passed by the

Forty-second Legislature at the Regular Session thereof by adding thereto a new section to be designated as Section 11a, providing that nothing contained in said Act shall be construed as requiring any city to give any notice as a condition precedent to issuing warrants payable out of current funds of such city, and the issuance of any such warrants by any such city shall not be subject to the terms and provisions of said Act; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Poage:

S. B. No. 36, A bill to be entitled "An Act declaring a State policy of payment for the use of roads used as a part of the State highway system; providing that the State shall pay in behalf of counties and/or road districts, certain maturity of certain bonds over a certain period of time; declaring that such payments shall not be for the benefit of bondholders and that the State does not assume any bonds; providing the method of determination of the amounts expected of counties and/or road districts and the method of paying such amounts; providing certain duties of certain officers; defining 'bonds' and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

Senator Excused.

On motion of Senator Woodul, Senator Beck was excused for the week on account of important business.

#### Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, August 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 6, Memorializing President Hoover to call an extraordinary session of Congress at a very early date, that it may again assume the power, duty and responsibility of controlling the volume and value of money.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, August 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 20, A bill to be entitled "An Act to amend House Bill No. 818, Chapter 319, Acts of the Forty-second Legislature, Regular Session, 1931, page 834, Session Laws, conferring upon all counties adjacent to the Gulf of Mexico the right of eminent domain, where land, right of way or easements or dumping ground privileges are necessary to be secured for the construction of an intra-coastal canal; providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas; for the condemning and acquiring right of way by railroads, and providing that no appeals shall cause suspension of work, and that counties shall not be required to give appeal bond or bond for costs; and authorizing the commissioners' courts of such counties to issue time warrants bearing interest not exceeding eight (8%) per cent per annum, to be used in the payment either by outright purchase or after condemnation proceedings of lands for right of way or easements and dumping ground purposes for an intra-coastal canal; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, August 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 30, A bill to be entitled "An Act creating a closed season on wild deer, buck, doe and fawn for a period of five years in the counties of Harrison, Marion, Red River, Bowie, Cass, Morris and Titus, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years; providing a penalty therefor, and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act amending House Bill No. 943, passed at the Regular Session of the Forty-second Legislature of the State of Texas, being Chapter 159, page 311, of the Special Laws of the State of Texas; repealing all laws in conflict with said Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### Senate Bill No. 2.

The Chair laid before the Senate as special order the following bill:

S. B. No. 2, A bill to be entitled "An Act declaring soil suitable to growing cotton, one of the natural resources of the State, and in need of preservation and conservation on account of root-rot, a soil disease that is fast spreading, and if not checked will impair and injure the soil of the entire State, and further declaring that planting land to cotton without rotation aids the spread of said disease, and prohibiting all persons, partnerships, associations and corporations who own, lease or rent land from growing cotton during the year 1932 on more than one-half of the land previously cultivated in cotton during the year 1931, and prohibiting planting cotton two years successively, without rotation, and making the violation thereof a misdemeanor, and fixing the punishment, also making it the duty of the Commissioner of Agriculture to procure similar laws in other states, and declaring an emergency."

Senator Cunningham sent up the following substitute for Committee Amendment No. 1:

Amend S. B. No. 2 by striking out all below the caption and substituting in lieu thereof the following:

Section 1. Declaration of Policy. —The conservation and preservation of the soil and its fertility is a public right and duty of highest importance. The failure and refusal of our citizenship to practice crop rotation, or to take adequate measures to prevent erosion of the soil, has resulted in serious and irreparable loss of this greatest of our natural resources and has impoverished a large group of our citizenship. This wanton waste of soil and soil fertility should be prohibited, not only as a conservation measure, but un-

der the duty of the Legislature to provide for the general welfare of this and future generations of our citizenship. It is therefore declared to be the policy of the State to correct these evils and abuses in our agricultural life. Because it is more commonly and universally grown, and rotation is seldom practiced, and because of the manner and nature of its cultivation, the production of cotton is attended with a greater loss of soil and soil fertility than any other crop which is planted in this State. From time to time, as the circumstances require, regulations similar to this should be extended to other soil exhausting crops.

Sec. 2. It shall be unlawful for any person, firm, corporation, partnership or association of persons, owning, renting, leasing, possessing or otherwise using any lands in this State, to plant or cultivate cotton on the same land or lands two (2) years in succession.

Sec. 3. Any person, firm, corporation, partnership or association of persons violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, for each acre or fractional part thereof, which shall have been planted or cultivated in cotton two years in succession.

Sec. 4. Any reputable citizen may file a complaint for violation of this Act, and the Commissioner of Agriculture or any of his authorized agents or deputies shall have the right of ingress and egress to and from the lands of this State for the purpose of determining whether this Act is being observed, and he or his agents or deputies shall file complaints against all persons who are guilty of violations hereof.

Sec. 5. This Act shall take effect January 1, 1932, it being intended that any lands planted or cultivated in cotton during said year shall not be so planted or cultivated during the succeeding year.

The amendment was read.

Senator Moore moved to print the substitute in the Journal and set the bill for special order tomorrow morning immediately following the morning call. The motion prevailed by the following vote:

#### Yeas—15.

Berkeley.	Oneal.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Rawlings.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

#### Nays—12.

Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Woodruff.
Parr.	Woodward.

#### Absent.

Hopkins.	Russek.
Parrish.	

#### Absent—Excused.

Beck.

#### Point of Order.

Senator Purl raised the point of order that S. B. No. 29 was out of order because it was not included within the Governor's call.

The Chair, Lieutenant Governor Edgar E. Witt, ruled that the point of order was out of order because it was prematurely raised, holding that the proper time to raise this point of order would be when the bill came before the Senate for consideration.

#### Bills Withdrawn.

The following bills were withdrawn by their authors: S. B. Nos. 30, 31, 32, 33, 35, and 26.

#### Points of Order

Senator Woodward raised the point of order that S. B. No. 34 did not come within the Governor's call.

The Senate voted to sustain the point of order.

Senator Purl raised the point of order that S. B. No. 29 did not come within the Governor's call.

Senator Purl withdrew the point of order.

Senator Parr renewed the point of order.

Senator Poage withdrew S. B. No. 29.

#### Special Order Set.

On motion of Senator Woodward, S. B. No. 16 was set as special order for 2 o'clock p. m. today.

**Executive Session.**

At 12 o'clock the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

**After Executive Session.**

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,  
Austin, Texas, Aug. 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointees, have had the same under consideration, and are instructed to report to the Senate with the recommendation that the following appointments be in all things ratified and confirmed:

Hon. James T. Brooks of Big Spring, as Judge of the 32nd Judicial District.

Hon. Lex Smith of Teague, as Judge of the 87th Judicial District, to succeed Judge W. R. Boyd, resigned.

Hon. O. L. Parrish of Ballinger, as Judge of the 119th Judicial District.

Hon. T. O. Davis of Center, as Judge of the 123rd Judicial District.

Hon. Eugene F. Mathis of San Angelo, as District Attorney of the 119th Judicial District.

Members of the State Board of Health for the ensuing statutory terms:

Hon. J. M. Spoonts of Wichita Falls, Texas; Dr. Ralph A. Ericson of San Antonio; Hon. J. M. Howe of Houston.

Members of the Advisory Civil Judicial Council for the ensuing statutory terms to succeed themselves:

Judge J. H. Barwise of Fort Worth; Judge A. H. Britain of Wichita Falls; Judge R. L. Ball of San Antonio.

Members of the Board of Mansion Supervisors:

Mrs. Mildred Moody of Austin, Chairman, for the term expiring January 1, 1936; Mrs. Moah P. Sander-son of Texarkana, Texas, for the term expiring January 1, 1934; Mrs. Dudley Woodward of Austin, for the term expiring January 1, 1932.

Members of the Board of Directors of the Lower Rio Grande Water Conservation District of Texas:

Hon. A. W. Cunningham of Harlingen; Hon. H. L. Yates of Brownsville; Hon. E. C. Couch of Weslaco; Hon. Clay Everhard of Pharr; Hon. W. A. Harding of Raymondville; Hon. Horace Guerra of Roma; Hon. F. S. Robertson of San Benito.

Hon. Earle P. Adams of Houston County, Texas, to succeed himself as Chairman of the Industrial Accident Board for the next ensuing statutory term.

POLLARD.

**Point of Order.**

Senator Williamson raised the point of order that H. B. Nos. 30 and 37 did not come within the Governor's call.

**Recess.**

On motion of Senator Williamson, the Senate, at 12:10 o'clock p. m., recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m. pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Special Order Set.**

On motion of Senator Pollard, S. B. No. 18 was set as special order immediately following the disposition of S. B. No. 16.

**Senate Bill No. 16.**

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 16, A bill to be entitled "An Act creating the Conservation Commission of Texas to be composed of three men; providing the qualifications of its members, their terms of office, their method of appointment, and their salaries; transferring from the Railroad Commission of Texas to the Conservation Commission of Texas all jurisdiction, powers, rights and authority heretofore conferred and all duties heretofore imposed upon the Railroad Commission of Texas and its members under Title 102, Revised Civil Statutes of 1925, Chapter 313, Acts of 1929, Forty-first Legislature, Chapter 36, Acts of 1930, Fifth Called Session of the Forty-first Legislature, and all laws of the State of Texas relating to the conservation of

oil and gas regulating gas utilities, pipe lines, and common purchasers of oil, etc, and declaring an emergency."

Read second time.

Senator Purl raised the point of order that a quorum was lacking. The roll call showed 23 present.

Senator Woodward received unanimous consent to amend the bill as follows: In line 30, page 1, change the word "re-elect" to "elect"; and change "one-fourth of one cent" to "one-eighth of one cent" wherever it appears in the caption and the bill.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 16 by adding between the word "age" and "one" in line 40, page 1, the following:

"Provided, however, that the Commission so appointed shall not enter upon the performance of any duties or powers herein or hereafter to be imposed and granted unless and until the Senate shall first have given its consent to each of said appointments, and provided further that at the next succeeding general election held after the passage hereof three new commissioners shall be elected and their terms shall be for two, four and six years respectively, and thereafter at each general election one commissioner shall be elected whose term of office shall be six years."

**WOODRUFF.**

The amendment was read.

Senator Purl called for a division of the question.

The first part of the amendment (providing for confirmation by the Senate) was lost by the following vote:

Yeas—3.

Parr. Woodruff.  
Poage.

Nays—25.

Berkeley.	Oneal.
Cousins.	Parrihs.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Hardin. Russek.

Absent—Excused.

Beck.

The second part of the amendment (providing for an elective commission) was lost by the following vote:

Yeas—11.

DeBerry.	Parrish.
Greer.	Poage.
Hornsby.	Pollard.
Loy.	Rawlings.
Martin.	Woodruff.
Parr.	

Nays—17.

Berkeley.	Patton.
Cousins.	Purl.
Cunningham.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hopkins.	Williamson.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Hardin. Russek.

Absent—Excused.

Beck.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 16 by striking out the words "Seven Thousand Five Hundred" in line 54, page 1, and inserting in lieu thereof the following:

"Six Thousand".

**WOODRUFF.**

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 16, by adding a new section as follows:

Section 4-a.—All powers, duties, privileges, and prerogatives provided in Title 128, Chapter One, of Revised Civil Statutes, 1925, and all amendments to the provisions thereof, pertaining to the creation of and the powers and duties of the Board of Water Engineers are hereby transferred to the Commission created under this Act, and from and after the passage of this Act the Board of Water Engineers as heretofore cre-

ated and organized shall be and is herewith and hereby abolished.

All duties and powers by statute or otherwise conferred upon the Conservation and Reclamation Engineer and the State Mining Board are hereby conferred upon the Commission hereby created, and on and after the passage of this Act the office of Conservation and Reclamation Engineer and the State Mining Board shall be and are abolished.

MOORE,  
GREER.

The amendment was read.

Senator Poage sent up the following substitute for the amendment:

Amend S. B. No. 16, page 2, line 12, by adding the following:

There is also conferred on the Conservation Commission of Texas all of the jurisdiction, power, right and authority hereto conferred and all duties heretofore conferred upon the Game, Fish and Oyster Commission, State Board of Water Engineers, the State Mining Board, the State Reclamation Department, the State Parks Board and the Texas Forest Service, and no rule, regulation or order of any of such departments heretofore entered and promulgated pursuant to the provisions of existing laws nor shall any such order or regulation or rule be in any wise impaired by the provisions hereof, but shall continue in effect unless or until modified by the Conservation Commission of Texas or set aside by order of a court of competent jurisdiction, and the offices of Game, Fish, and Oyster Commission, State Water Engineer, member of State Mining Board, State Reclamation Engineer, member of State Parks Board and State Forester are hereby abolished as of the dates of the expiration of the terms of office of the respective incumbents, but the Conservation Commission of Texas shall have power to employ three Water Engineers, a Reclamation engineer and a State Forester at the salaries theretofore paid to these officials.

POAGE.

The substitute was read.

Senator Oneal sent up the following amendment to the substitute:

Amend the Poage substitute for the Moore amendment to Senate Bill No. 16, by striking out everything

therein referring to the Game, Fish and Oyster Commission of Texas.

ONEAL.

The amendment was read.

Recess.

On motion of Senator Woodul, the Senate, at 5:28 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

## APPENDIX.

### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, August 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 20 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

### Committee Reports.

Committee Room,

Austin, Texas August 4th, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 17, A bill to be entitled "An Act to prohibit the willful taking, injury, or destruction of trees, shrubs, vines, flowers, moss or turf on land of another, whether enclosed or not, or on land reserved, set aside or maintained by the State as a public highway or public park, or as a refuge or sanctuary for wild animals, birds, or fish, without previous written permission of the owner of such land or of the superintendent or custodian of such park, refuge, or sanctuary; to prohibit the transportation, carriage or conveyance or the sale of the exposure for sale of certain wild plants, trees or parts there; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass with amendments.

MOORE, Chairman.

### Committee Amendment No. 1.

Amend S. B. No. 17, by striking out the word "other" between the words "such" and "or," Section 1



and inserting in lieu thereof the following: "owner or his agent."

**Committee Amendment No. 2,**

Amend S. B. No. 17 by adding at the end of Section 1 the following: "The provisions of this section shall not apply to the clearance and maintenance of rights of way by those engaged in the business of a Public Utility."

Committee Room,  
Austin, Texas, August 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred Senate Concurrent Resolution No. 4, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARRISH, Chairman.

Committee Room,  
Austin, Texas, August 4, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 22, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe and fawn for a period of five years in the counties of Harrison, Marion and Panola in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years, providing a penalty therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

S. B. No. 22. By Neal.

**A BILL  
To Be Entitled**

An Act creating a closed season upon wild deer, buck, doe and fawn for a period of five years in the Counties of Harrison, Marion and Panola in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn

within said counties for a period of five years, providing a penalty therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn in the Counties of Marion, Harrison and Panola in the State of Texas for a period of five years from and after the passage of this act.

Sec. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum of not less than One Hundred Dollars nor more than Five Hundred Dollars, and shall forfeit his right and license to hunt with a gun in this State for a period of one year following the date of his conviction.

Sec. 3. The fact that wild deer has been practically exterminated in Harrison, Marion and Panola Counties, Texas, and that the citizens of said counties desire said counties restocked with wild deer, and the fact that the Game, Fish & Oyster Commission of the State of Texas is endeavoring to restock said counties, and has already placed a number of wild deer therein, and the fact that there is no law protecting such deer in said counties, creates an emergency requiring that the constitutional rule that bills shall be read on three several days be suspended, and the same is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

**FIFTEENTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,

Thursday, August 6, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Point of Order.**

Senator Holbrook raised the point of order that House Bill Nos. 30 and 37 did not come within the Governor's call.